



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Adoption of Resolution Setting Storm Drainage Permit Compliance Inspection Fees for Wet Season Construction Inspection

MEETING DATE: May **2,2007** (Continued from April **18,2007**)

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Conduct a public hearing to consider adoption of a resolution setting Storm Drainage Permit Compliance Inspection Fees for wet season construction inspection.

BACKGROUND INFORMATION: The State Water Resource Control Board issued to the City of Lodi Permit WDID No. 5B39NP00028 that governs the discharge of storm water runoff. A condition of that permit requires that regular wet season inspections of construction site best management practices (BMP's) be performed for all regulated construction sites. Construction activities can alter natural drainage patterns and affect runoff water quality, adding pollutants to the areas river and delta environments. BMP's fall into two categories: erosion and sediment control (i.e., straw mulch, dikes, swales, and bank stabilization) and source control or "good housekeeping practices" (i.e., water conservation practices, vehicle cleaning, concrete washout control, and stockpile covers). The inspections will take place over the wet season that is defined as October 1 through April 15. The State's initial review of our inspections reports indication that more frequent inspections per project are required and this exceeds the City's ability to meet the State's requirements without the addition of inspectors.

Storm Drainage Permit Compliance Inspections are a new service to be provided by the City. Staff recommends that the City Council adopt these new fees that would be collected at the time of approval of an Improvement Agreements and/or at issuance of a Building Permit. The fee per site will vary depending upon the time and length of the construction period. The first monthly construction inspection would include additional effort to document existing conditions and to set up the Inspection Log Report. Subsequent monthly inspections would continue until the completion of construction and could span more than one construction season. The following fee structure is recommended.

1. First Monthly Construction Inspection \$156 each
2. Subsequent Monthly Construction Inspection \$119 each

The fee structure is based upon the inspection proposal provided by WGR Southwest, Inc. At a subsequent Council meeting, staff will request City Council approval of a professional services agreement with WGR Southwest, Inc., to perform the required inspections. The proposed fees include a 25% markup to cover administrative costs of the City.

APPROVED:


Blair King, City Manager

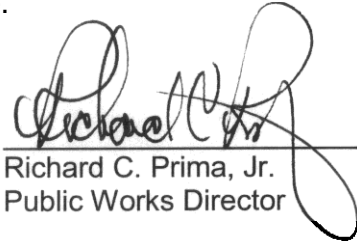
Public Hearing to Consider Adoption of Resolution Setting Storm Drainage Permit Compliance Inspection Fees for Wet Season Construction Inspection
May 2, 2007 (Continued from April 18, 2007)
Page 2

The fees will become effective 30 days after the date of adoption of the resolution. It is anticipated the first inspections will occur in October 2007. The fees will be annually adjusted on July 1, using the Cost of Living Index (San Francisco Urban Area). The first adjustment will take place July 1, 2008.

Staff requests the City Council adopt a resolution establishing Storm Drainage Permit Compliance Inspection Fees for wet season construction inspection and setting the fees as recommended above.

FISCAL IMPACT: Revenues from the new fees will offset the cost of required inspections.

FUNDING AVAILABLE: Not applicable.



Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer/~~Deputy~~ Public Works Director

RCP/FWS/pmf

RESOLUTION NO. 2007-79

A RESOLUTION OF THE LODI CITY COUNCIL
SETTING STORM DRAINAGE PERMIT
COMPLIANCE INSPECTION FEES FOR
WET SEASON CONSTRUCTION INSPECTION

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WHEREAS, the Lodi Municipal Code requires the City Council, by resolution, to set fees for various services provided by the City of Lodi to recover those costs associated with providing specific services and programs; and

WHEREAS, the State Water Resources Control Board issued to the City of Lodi Permit WDID No. 5B39NP00028 that governs the discharge of storm water runoff and

WHEREAS, a condition of that permit requires that regular wet season inspections (October 1 through April 15) of construction site best management practices (BMP) be performed for all regulated construction sites; and

WHEREAS, staff recommends approval of the following fee structure to be collected at the time of approval of the Improvement Agreements and Building Permits to cover the costs associated with furnishing this service:

- | | | |
|----|--|---------------|
| A. | First Monthly Construction Inspection | \$156.00 each |
| B. | Subsequent Monthly Construction Inspection | \$119.00 each |

NOW, THEREFORE, BE IT RESOLVED that the City Council finds as follows:

1. That the establishment of Storm Drainage Permit Compliance Inspection Fees are necessary to insure that regular wet season inspections (October 1 through April 15) of construction site BMP be performed for all regulated construction sites and that all inspections are properly recorded; and
2. That the following fee structure be collected at the time of approval of the Improvement Agreements and Building Permits to cover the costs associated with furnishing this service:

A.	First Monthly Construction Inspection	\$156.00 each
B.	Subsequent Monthly Construction Inspection	\$119.00 each
3. That the fees will become effective 30 days after the date of adoption of this resolution and that the fees will be annually adjusted on July 1, using the Cost of Living Index (San Francisco Urban Area), with the first adjustment to take place July 1, 2008.
4. That all resolutions or parts of resolutions in conflict herewith are repealed insofar as such conflict may exist; and
5. That this resolution shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect immediately upon its adoption.

Dated: May 2, 2007

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I hereby certify that Resolution No. 2007-79 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 2, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, Mounce,
and Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

A handwritten signature in black ink, appearing to read "Randi Johl", is written over a circular stamp or seal.

RANDI JOHL
City Clerk



DECLARATION OF POSTING

CONTINUED PUBLIC HEARING NOTICE TO CONSIDER RESOLUTION SETTING STORM DRAINAGE PERMIT COMPLIANCE INSPECTION FEES FOR WET SEASON CONSTRUCTION INSPECTION

On Friday, April 20, 2007, in the City of Lodi, San Joaquin County, California, a Public Hearing Notice to consider resolution setting Storm Drainage Permit Compliance Inspection Fees for wet season construction inspection (attached and marked as Exhibit A) was posted at the following locations:

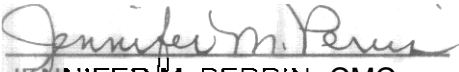
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 20, 2007, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

Date: May 2, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl,
City Clerk
Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF CONTINUED PUBLIC HEARING

NOTICE **IS** HEREBY GIVEN that on **Wednesday, May 2, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Resolution setting Storm Drainage Permit Compliance Inspection Fees for wet season construction inspection

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl

City Clerk

Dated: April 18, 2007

Approved as to form:

D. Stephen Schwabauer
City Attorney

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

May 7th,

all in the year 2007.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 7th day of May 2007.

Diane Rosales

Signature

This space is for the County Clerks Filing Stamp

Proof of Publication

Resolution Setting Storm Drainage Permit Compliance

Inspection Fees

RESOLUTION NO. 2007-79

A RESOLUTION OF THE LODI CITY COUNCIL SETTING STORM DRAINAGE PERMIT COMPLIANCE INSPECTION FEES FOR WET SEASON CONSTRUCTION INSPECTION

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